incurring that expenditure until a supplementary demand is brought before this House next year. As regards the phrase "is found to be sufficient," the budget will become insufficient during the course of next year.

MR. V. SUBBA AIYAR: There is also another aspect of the matter. Rule 53 will apply to cases where we have done with the budget. We have not finished the budget yet in the present case. The discussion of the budget may continue up to 5 P. M. under the rules. If motions are made now, corrections may be put in yet. We are not *out* of the budget. Supposing the Financial Secretary finds a mistake in the budget in the figures as voted by the Council, he can come and point out that 8+2 is 10 and not 11. So also in the case of other palpable mistakes, I believe we need not be highly technical and highly critical in all these matters.

PRESIDENT: That is the established practice.

MR. V. SUBBA AIYAR: Of course, in the budget, ever so many corrections will have to be made as a result of the discussion. Another disadvantage is, supposing we act upon our power, and establish a Court anticipating the sanction of the Council which is to meet in Vrischikam, and supposing the Council then decides that the Court is not necessary, the Government will be reduced to an awkward position. It will not be fair to this House either, since the matter could have been brought before it even though 'at this late stage'. My friends need not be hypercritical.

MR. G. PARAMESVARAN PILLAI: It is not a question of being hypercritical.

PRESIDENT: With regard to the Income-Tax Commissioner's motion for a grant of Rs. 700, I take it that the House accepts it.

The demand was put and carried and the grant made.

Demand XXVIII—Administration of Justice.

MR. R. KRISHNA PILLAI: Sir, I move for a grant not exceeding Rs. 2,500 under Administration of Justice, in addition to Demand XI, for the establishment of an additional Sessions Court at Quilon. Since the preparation of the budget, the High Court have brought to the notice of Government the existence of heavy arrears in the Courts of Quilon and Trivandrum, and have strongly urged the necessity of appointing additional Judges and opening new courts at Quilon and Trivandrum. Government have considered the proposal and the present demand is only for one temporary additional court at Quilon for eleven months next year.

MR. V. SUBBA AIYAR: The appointment begins only from Chingam and so the court is only for eleven months. The question of the continuance of the Court in Karkadakam, 1098, does not come up for consideration now.

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[Mr. V. Subba Aiyar.]

Motion 177.

MR. JOSEPH PANJIKARAN: Sir, I beg to make the following motion:

177. To omit the allotment of Rs. 2,500 for the establishment of a temporary additional Second Judge's Court at Quilon from the 1st Chingam, 1098.

Sir, before the House can decide whether a third bench is necessary at Quilon, I should like to know the number of cases now pending disposal in the Quilon Court, the number of sessions cases committed to the Sessions Court, Quilon, and now pending trial there, the number of cases—appeals as well as original suits—that were filed this year in the Quilon Court, and also the number of cases now pending disposal in the Alleppey and Trivandrum District Courts. The reason why I insist on this information being obtained is that, before a complete knowledge of the situation can be obtained, we should not sanction this proposal. If the arrears at Quilon are on account of want of application on the part of the judicial officers there, I think that to allow a temporary Sessions Judge would be helping them in their indolence and rewarding them rather than punishing them for their dilatoriness. To appoint an additional Judge for clearing the arrears is really a very bad policy. During the time of the general discussion of the budget and also at the time of voting on grants on this particular demand, a good deal was said from this side of the House on the inadvisability of multiplying courts of law. I do not think that it would be necessary to deal with this matter at length here. I would draw the attention of the Council to the fact that, unless it be found entirely necessary, we cannot allow this grant to be made. In determining whether it is necessary, you must, at the same time, be able to decide who is responsible for the arrears that have now accrued. If it is owing to natural causes, certainly it must be provided for. Even in that case I would suggest that, by sending a few cases to other courts, you may avoid the opening of the additional court.

MR. G. PARAMESVARAN PILLAI: I may tell Mr. Joseph Panjikaran that the Trivandrum District Court is already congested.

MR. JOSEPH PANJIKARAN: That is to be decided by the figures we get. If this expenditure could be avoided, we would be very glad. It is for that purpose that I have called for information regarding the number of cases now pending disposal in the Trivandrum District Court, filed this year, or the number of cases disposed of by the judicial officer in charge of that institution, not only on the civil side, but also on the sessions side, during the last three years.

MR. V. SUBBA AIYAR: I shall give some explanation and try to satisfy Mr. Panjikaran as far as possible. In Quilon the number of cases pending at the beginning of 1096 was 252. The original suits filed in 1096 came to 154. I am not referring to appeals. The number of suits pending there at the end of 1096 was 291. Of these, 48 cases were

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less than three months old, 26 less than six months old, 58 less than one year old, 85 suits were more than one but less than two years old, 42 more than two but less than three years old, 19 more than 3 but less than 4 years old, 8 over 4 years but less than 5 years old, and 5 over 5 years old, so that the arrears of old suits pending disposal come to 291. Coming to the state of affairs in 1096, everything over one year old may be considered to be old. If so, 159 suits are more than one year old. Coming to 1097, the number of cases pending up to the last quarter of 1096 is 291 and the number of cases filed during 1097 is 126. The total in 1097 is 417, out of which 95 have been disposed of. 322 original suits are pending, of which 167 are more than one year old. Of the appeals it will be found that 933 were pending at the end of the third quarter, of which 365 were pending for more than one year. That is really a very bad state of affairs. The number of sessions cases filed is 22 and that of criminal appeals 69. The number of civil cases pending is equally high. The original old suits cannot be allowed to be pending any longer. If the suggestion of Mr. Joseph Panjikaran should be gone into as to whether any particular judge was at fault, an elaborate investigation has to be made. What we are now concerned with is the actual stern fact that there are so many as 322 original suits pending, and 933 appeals. That being the case, I do not think that the House will oppose anything being done by way of reduction of arrears. I have to read a sentence from the latest pronouncements of the Privy Council in a case reported in 1922 M. W N. page 102.

"Their Lorships cannot part with this case without expressing once more their regret as to the interminable course of litigation in India. If cannot be for the welfare of any community that the purchaser of property bought in good faith should be liable to endless quarrels arising out of his purchase which continue as they do in this case and as they must in many beyond the period of his natural life. The man who bought the property never knew what it was to be free from the anxiety of a law suit until the day he died. Even then the litigation was not ended and it has been pursued until the present appeal. This has itself taken four years to come here from the High Court, and of course, no explanation has been or ever can be offered of why these delays occur. Their Lordships refer once more to this matter in the earnest hope that a condition of things which they regard as constituting a serious blot upon the administration of justice should be removed."

Thus the delay in the disposal of cases is a complaint all over the world and not confined to Travancore alone. Whether any particular Judge is indifferent or indolent is a matter for departmental enquiry and it may be safely left to be considered by the High Court. So far as we are concerned, we see so many cases pending. That is certainly not doing justice to the litigants who have to dance attendance before the courts for so many years. Therefore, it is absolutely necessary that justice should be rendered as early as possible. Whatever may be the cause, in the interest of the litigant public, we should see that the arrears are worked down and normal conditions restored. I do not, therefore, think that the House will interfere in the matter of affording relief to the litigant population and I daresay that most of the members must be against the motion of Mr. Panjikaran and the House will veto it.

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[Rao Bahadur K. A. Krishna Aiyangar.]

RAO BAHADUR K. A. KRISHNA AIYANGAR: I deplore, along with my friend, Mr. Joseph Panjikaran and others that the necessity has been felt for creating a third court at Quilon. Whether it was due to causes over which the presiding officer had no control or whether this accumulation was the result of culpable neglect of work on the part of the judicial officers concerned is a question, Sir, I submit, outside the province of the Council. This Council has to face the fact that there are 322 suits and 933 appeals pending. So far as original suits are concerned, I find that they represent nearly 2 years' file. The normal file is said to be 150 and odd. Even if we assume that the two Judges of the Quilon District Court are able to keep down the file, we should have 322 suits always as a recurring figure. We have to view the question from the stand-point of the litigant public who pay heavy sums to Government as court fees. The income to Government in the shape of court fees is estimated for the coming year to be Rs. 1,59,000. It is therefore the solemn duty of the Government to the litigant public that justice is not denied by its being deferred to an inordinate length. The causes which contribute to the interminable continuance of cases were discussed by us *in toto* on an earlier occasion, and no useful purpose will be served by going through that course once again. The question before the House at present is whether a third Judge at Quilon should be sanctioned or not. Of course, economy is an ideal that all of us should aim at; but that should not be at the expense of the litigant who handsomely pays the Government for the relief he asks for. I therefore oppose the motion.

MR. PAUL V. DANIEL: Mr. Joseph Panjikaran has not been able to convince us that the place created is not necessary. It has been done on the recommendation of the High Court, and I think that, in the interest of the litigant public, the place is necessary. So I oppose the motion.

MR. K. P. RAMAN PILLAI: In spite of all that has been said, I have to support Mr. Joseph Panjikaran. In doing so, I am strengthening my position by a resolution of the Quilon Bar Association to the effect that a third Bench is not necessary.

MR. N. KUMARAN: I support Mr. Joseph Panjikaran's motion. As one who is practising before the District Court of Quilon, I can say, with first hand information about the local conditions, that there is no need for a third Bench at Quilon. The whole matter was gone into by the local Bar Association; and they passed a unanimous resolution to the effect that a third Bench was unnecessary there. All the facts now stated by my friend, Mr. Subba Aiyar, were before the Association when they passed that resolution. When a responsible body like the Bar Association has pronounced an opinion like that, my view is that this House should take it into consideration and should not set it aside lightly. I do not trace out the reasons why arrears have accumulated. Whatever may be the causes, I can point out one suggestion

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which, if adopted, would, in my opinion, very soon clear off the arrears. One of the Judges was lately transferred from Quilon and a new-hand was transferred from another station to take his place. It is also likely that, in the near future, the Senior District Judge at the place would retire. If Government would only take into consideration the question of arrears, as the Law Member would call it, and appoint, in the retiring Judge's place, a competent younger officer, I think that there will be no need for us to be anxious about the arrears. If in course of time they are not able to cope with the arrears, it will be time enough for the Government to appoint a third Judge. I think that that time has not come yet.

MR. A. HOOGEWERF: Sir, I am neither a judge nor a lawyer; but I am taking into consideration the practical aspect of the question. If the two Courts cannot, in spite of their burning the midnight oil, get through the arrears, the litigant public have a right upon the Judges and the Government to create another court for the proper conduct of work. If one is not enough—if one court cannot fully cope with the work—a second or a third may be created.

MR. A. GOVINDA MENON: In view of the fact that we have been rather generous this year in cutting down expenditure and also in view of the fact that we have not questioned any of the demands for grants made by Government and supported by the High Court as regards other temporary Judges and Munsiffs for which some reason or other may have been urged, I do not think that we should make an exception in the present instance. If our suggestions are not acted up to and if demands of this nature are repeated next year, then we may be rigorous in dealing with them, as we have every right to be. For my part, I think we can afford to be a little indulgent now, especially in the case of a department dealing with the administration of justice. I do not think that we shall not be justified in questioning this expenditure, at least as a matter of policy.

MR. C. P. KOCHUKUNJU PILLAI: I oppose the motion brought forward by Mr. Panjikaran. I do so in the interests of the litigant public of my constituency consisting of two taluks. Heavy arrears would mean more money to be spent by the litigant public for going to and returning from Quilon to attend the courts in connection with appeals many more times than at present. I am sorry I am not in a position to agree with my Quilon vakil friends in this matter. Of course they may have their own reasons. They may have consulted one another and come to their own conclusion on certain facts. But I agree with Mr. Krishna Aiyangar who has very forcibly put the case of the litigant public, and I say that I have to oppose the motion very strongly and to request the Council to allow the grant.

MR. N. RAMAKRISHNA PILLAI: I move for a closure.

The motion for closure was put and carried.

MR. T. K. VELU PILLAI: Mr. Panjikaran may be requested to consider whether he could not withdraw his motion.

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[The President.]

PRESIDENT: Are you willing to withdraw your motion? Mr. T. K. Velu Pillai suggests that you may withdraw your motion

MR. JOSEPH PANJIKARAN: I shall make one or two observations. Mr. Krishna Aiyangar said that it was for the High Court to see why there were arrears in the courts and not for this Council. This Council can certainly devise measures to see how the arrears could be kept down. As regards the interests of the litigant public, certainly we have to see to those interests. But I do not know whether the interests of the litigant public are different from the interests of the tax-payer which my motion is intended to protect. So, I do not see any reason why I should withdraw.

MR. R. KRISHNA PILLAI: I shall speak a word or two by way of reply. The total number of original suits and of appeals pending in the Quilon District Court at the end of Edavam 1097 came to 333 and 960 respectively. Of these, 171 original suits and 386 appeals were more than one year old. There were also pending at the time 89 criminal and miscellaneous appeals, of which 13 were over one year old. The High Court consider that these arrears are abnormal and that it is absolutely necessary to have an additional Bench at the station to work them off. As regards the opinion of the Quilon Bar Association, I may say that the opinion of the High Court who are responsible for the administration of justice should be given more weight than that of a local Bar Association. I need hardly say that justice delayed is justice denied and that we cannot overlook the opinion of the High Court who say that, unless the arrears are cleared, it will be a serious blot on the administration of justice. In these circumstances, I think that the House will be incurring a serious responsibility in disallowing the grant asked for.

PRESIDENT: I shall now put the motion to the vote of the House.

The motion was put and lost, 6 for voting *for*, and 36 *against*.

Supplementary Demand XXVIII, for a grant of Rs. 2,500 under Administration of Justice was then put by the President and it was carried and the grant made.

Demand XXIX—Industries.

MR. I. C. CHACKO: Sir, I move for an additional grant of Rs. 500 under Demand XXIX—Industries. This Demand is an addition to Demand XVI—Industries—in order to provide for the salary of one instructor in short-hand which was omitted to be provided for in the budget.

PRESIDENT: I suppose the House accepts the demand.

The House having accepted the demand, the same was put by the President and carried and the grant made.

PRESIDENT: Gentlemen, we have had a long and strenuous session, and I am sure you are all desirous of going home and having your

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